Dkt. 06023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: Group Art Unit: 3767

JEAN-PAUL ZAMBAUX et al Examiner: P. Gray

Serial No.: 10/571,314

Filed: March 9, 2006

For: PLASTIC NEEDLE AND DEVICES COMPRISING IT

**RESPONSE TO RESTRICTION REQUIREMENT**

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed July 14, 2010, Applicants elect needle/syringe claims of Group I, with traverse, for prosecution in this application. These claims are properly identified with respect to the Amended Claims under Article 19 requested for examination, as claims 1-10 (not claims 1-11 as identified in the Restriction Requirement). See the Preliminary Amendment filed concurrently upon entry into the National Phase.

Groups I and II are linked by the single general inventive concept, recited in claims 1-7, of providing a product comprising a needle made of polyaryletherketone polymer of formula (I) with reinforcement wires embedded in the polymer. The specification clearly discloses that the needle as defined in claims 1 to 7 is suitable for fitting either to an injection syringe as defined in claims 8 to 10, or to a bottle connector as defined in claims 11 to 15 (see page 2, line 34 to page 3, line 2). Thus a same needle can be for use either in a syringe for delivering a fluid to a

patient via subcutaneous injection, or in a bottle connector for providing a means of flow for a pharmaceutical product.

It is apparent from claim 11 that the needle used in the connector is not any needle but the specific needle as claimed in claim 7. Accordingly there is a clear link between claim 7 (Group I) and claim 11 (Group II), and Groups I and II share the common features of the needle of claim 7.

Accordingly, claims 1 to 15 share a common inventive concept according to PCT Rule 13.1.

Claims 1 to 15 fulfill the requirement of unity of invention referred to in PCT Rules 13.1 and 13.2. because there is a technical relationship between the alleged different inventions; the alleged different inventions (Groups I and II) are directed to the same or corresponding special technical features. Thus, the connector of the invention of claims 11-15 also comprises the needle of claim 7. The technical features of the needle are thus recited not only in the claims directed to a syringe, but also in the claims directed to a bottle connector.

Accordingly, Claims 1 to 15 meet requirement of PCT rule 13.2.

Finally, Applicants elect Species A, shown in figures 1 and 1a, drawn to a needle comprising three reinforcement wires embedded in the polymer of formula (I). This election is also made with traverse.

Contrary to the allegation made in the Restriction Requirement that there are no generic claims, Applicants submit that claim 1 is generic.

Specifically, claim 1 is generic since it defines a needle made of a polyaryletherketone polymer of formula (I) having at least three reinforcement wires embedded in the polymer. This definition encompasses the needles of Species A with three reinforcement wires of circular section, needles of

Species B with four reinforcement wires of circular section and needle of Species C with four reinforcement wires of elliptical section. All of these needles are produced from the polymer of formula (I). The number of wires beyond the number of three and the section form of the individual wires correspond to preferred embodiments of the invention.

Because each of the species A, B and C can be used either with a syringe (claim 8) or with a bottle connector (claim 11), claims 8 and 11 are also generic claims.

As to Species D, represented by figures 4 and 5, Applicants point out that figures 4 and 5 relate to the bottle connector defined in claims 11-15. Hence, this requirement duplicates the restriction requirement made above regarding claims 11-15.

In addition, claims 2-3, 6-7, and 12-15 are thought to be generic. Claim 4 (wires of circular section) is specific both to figures 1-1a and figure 2; claim 5 (wires of elliptical section) is specific to figure 3.

For the foregoing reasons, withdrawal of both aspects of the restriction requirement is respectfully requested.

Respectfully submitted,

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